



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-05-32

**DATE:** June 9, 2005

**TO:** State Survey Agency Directors

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** **Critical Access Hospital (CAH)** Requirement for Doctor of Medicine/Doctor of Osteopathy (MD/DO) Review of Medical Records for Mid-Level Practitioners

**Letter Summary**

- We are reinstating the previous Centers for Medicare & Medicaid Services (CMS) requirement for physician review of MD/DO outpatient medical records generated by mid-level practitioners in CAHs. This requirement is for a chart review equal to at least a 25% sample of such outpatient records, compared to a 100% chart review.
- The option for a 25% (or greater) sample size only applies to (a) outpatient records and (b) in a state where state scope of practice laws allow the independent practice of mid-level practitioners(s).

A recent State Operations Manual (SOM) release from CMS implemented a planned increase in the sample size (from 25% to 100%) required for physician review of MD/DO outpatient medical records generated by mid-level practitioners.

The original sample size of 25% was put in place when the CAH designations were new. The original intent was to increase this sample size to 100% after the CAH program was well established. However, we have not experienced problems with the original 25% requirement.

In an attempt to avoid any unnecessary burden to providers in those states that allow a mid-level practitioner (i.e., physician's assistant, nurse practitioner, or clinical nurse specialist) to function independently, we feel that an overall review of 25% of outpatient records satisfies the requirement for both physician oversight and state scope of practice.

We will continue to require a 100% chart review for all inpatient records in order to ensure that every inpatient is under the care of an MD/DO. Facility policy will determine which outpatient charts are selected for MD/DO oversight review.

With respect to the regulatory language at 42 CFR 485.631(b)(1)(iv), any state that requires physician oversight of all mid-level practice would continue to require a 100% medical record review for both inpatient and outpatient records.

If you have questions regarding this memorandum, please contact Frank Sokolik at 410-786-7089 or via E-mail at [meddinger@cms.hhs.gov](mailto:meddinger@cms.hhs.gov).

**Effective Date:** Immediately. The State Survey Agency should disseminate this information within 30 days of the date of this memorandum.

**Training:** The information contained in this announcement should be shared with relevant survey and certification staff, their managers, and the state/Regional Office training coordinator.

/s/  
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management (G-5)